

Robert Gerard Holman  
10/749,691

**Response to Office Action Mailed February 13, 2007**

**A. Claims In The Case**

Claims 1-12 have been rejected. Claim 1 has been amended. Claims 1-12 are pending in the case.

**B. The Claims Are Not Anticipated By The Cited Art Pursuant To 35 U.S.C. § 102**

The Examiner rejected claims 1-12 as being anticipated by U.S. Patent No. 5,908,432 to Dillon et al. (“Dillon”). Applicant respectfully disagrees with these rejections.

Claim 1 describes a combination of features including but not limited to the following features:

a blade carrier within the cavity and movable longitudinally relative to the handle between an operative position in which the blade carrier extends through an open end of the cavity such that a blade carried thereby is exposed for use and an inoperative position in which the blade carrier is retracted into the cavity such that a blade carried thereby is retracted within the cavity in the handle

Applicant submits that Dillon does not appear to teach or suggest this feature, in combination with the other features of claim 1.

In the Office Action the Examiner appears to equate blade holder (20) of Dillon with Applicant’s blade carrier (2) or (34). Applicant submits that blade holder (20) of Dillon does not perform in the same manner as the blade carrier of Applicant’s claimed scalpel.

For example, with reference to FIG. 10 of Applicant's specification, it can be seen that, when the slider (35) is in the forward position, the blade carrier (34) extends from the handle. In contrast, the blade holder (20) of Dillon appears to remain inside the handle during use. For example, compare FIG. 4 of Dillon with FIG. 5 of Dillon. As such, Applicant submits that the blade holder of Dillon is not the same as Applicant's claimed blade carrier. Applicant respectfully submits, therefore, that Dillon does not appear to anticipate Applicant's claimed scalpel.

**C. Many Of The Dependent Claims Are Separately Patentable**

The Examiner is also respectfully requested to separately consider each of the dependent claims for patentability. Many of the dependent claims in addition to those mentioned above are independently patentable.

For instance, claim 2 recites "the slider and one or other longitudinally extending edge of the slot are provided with co-operating tooth and notch formations that cooperate to releasably hold the blade carrier and slider assembly in "click-stop" manner in the operative or inoperative positions, and optionally both." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 3 recites, in part, "the blade carrier and slider assembly has a resiliently biased catch that is biased towards releasable engagement with a cooperant retaining formation formed integral with the handle in the fully extended condition of the blade carrier." Applicant submits that the Office Action has not presented sufficient facts to support the assertion that Dillon teaches the cited feature of claim 3. The Examiner is respectfully requested to particularly point out where Dillon teaches or suggests this feature.

Claim 7 recites, in part, “the blade carrier and slider assembly have an innermost, terminal locked position defined by co-operating formations on the slider and edges of the slot, such terminal locked position being one in which the blade carrier is located inwards of the normal inoperative position and from which it is substantially impossible to unlock the blade carrier, at least for practical purposes.” Applicant submits that the Office Action has not presented sufficient facts to support the assertion that Dillon teaches the cited feature of claim 7. The Examiner is respectfully requested to particularly point out where Dillon teaches or suggests this feature.

Claim 10 recites, in part, “the slider has a pair of transverse tongues with oppositely directed catch formations at their inner ends for cooperating with cooperant transverse sockets formed in the blade carrier.” Applicant submits that the Office Action has not presented sufficient facts to support the assertion that Dillon teaches the cited feature of claim 10. The Examiner is respectfully requested to particularly point out where Dillon teaches or suggests this feature.

Claim 11 recites, in part, “the slider has a single transverse tongue for cooperating with a cooperant transverse socket formed in the blade carrier with co-operating latch formations serving to substantially permanently lock the slider in association with the blade carrier once installed therein.” Applicant submits that the Office Action has not presented sufficient facts to support the assertion that Dillon teaches the cited feature of claim 11. The Examiner is respectfully requested to particularly point out where Dillon teaches or suggests this feature.

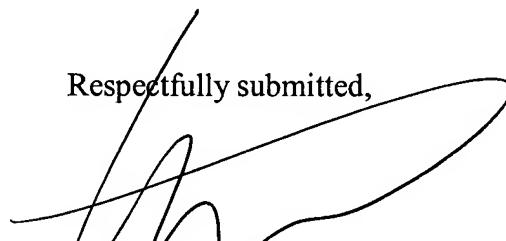
Claim 12 recites “the blade carrier is configured such that it can accept a plurality of different style of blades.” Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

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D. Summary

Based on the above, Applicant submits that all claims are now in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5991-00700/EBM

Respectfully submitted,  
  
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